

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

FILED
MAY 24 2011
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JUAN CARLOS HERNANDEZ
MIGUEL VALERIO, and
JAMES D. LEVITT.

CR 11
CR. No.

088-01 M

Violation of Title 18,
United States Code,
Sections 2, 371, 1343, 1344

INDICTMENT

The Grand Jury charges:

Introduction

At all times relevant to this Indictment:

1. Defendant JUAN CARLOS HERNANDEZ resided within the State of Rhode Island and was employed at National City Mortgage Company as a loan officer.

2. Defendant MIGUEL VALERIO resided within the State of Rhode Island and, at certain times, was employed at National City Mortgage Company as a loan processor.

3. Defendant JAMES D. LEVITT resided within the State of Rhode Island and was involved in the real estate industry.

4. National City Bank, Lehman Brothers Bank FSB, and Chase Bank USA, N.A. (collectively, the "financial institutions") were financial institutions doing business in the District of Rhode Island. The deposits of the financial institutions were federally insured by the Federal Deposit Insurance Corporation. These financial institutions were each in the business of issuing loans to prospective or current homeowners for the purchase or refinancing of real property.

5. National City Bank was a Federal Housing Administration approved lender.

6. New Century Mortgage Corp., Countrywide Home Loan and First NLC Financial Services, LLC (collectively, the “mortgage companies”), were each in the business of processing loan applications and issuing loans to prospective or current homeowners for the purchase or refinancing of real property.

7. The financial institutions and mortgage companies required that loan applications be completed and submitted before approving a loan, the funds of which would be used to purchase real property. As such, the financial institutions and mortgage companies required that the loan applications contain truthful and full disclosure of the applicant’s financial condition and true terms of the transaction which would be financed by the mortgage. For instance, the financial institutions and mortgage companies required that information concerning the employment of a mortgage applicant be submitted before approving a loan. The employment information sought included the place of employment, job description and salary. Furthermore, the financial institutions and mortgage companies required information concerning the current assets of the applicant, including the amounts of money held in any bank accounts, and the applicant’s liabilities.

COUNT 1
(Conspiracy No. 1)

8. The allegations contained in paragraphs 1, 2 and 4 through 7 are repeated and realleged as though fully set forth herein.

Object of the Conspiracy

9. Beginning in or about October 2006 and continuing through in or about August 2007, in the District of Rhode Island, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and others known and unknown to the Grand Jury, knowingly, willfully, and unlawfully combined, conspired and agreed together and with each other to commit the following offenses against the United States:

(a) to knowingly execute and attempt to execute a scheme and artifice to defraud and to obtain moneys, funds, assets, and other property owned by, and under the custody and control of, a financial institution by means of false and fraudulent pretenses, representations, and promises, in violation of 18 U.S.C. § 1344 (Bank Fraud); and,

(b) to knowingly and willfully devise and attempt to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises and to transmit and cause to be transmitted in interstate and foreign commerce, writings, signs, signals, and sounds for the purpose of executing said scheme and artifice, in violation of 18 U.S.C. § 1343 (Wire Fraud).

Manner and Means of the Conspiracy

10. It was part of the conspiracy that defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and others known and unknown to the Grand Jury recruited individuals to purchase properties for which those individuals would not normally qualify. Such individuals are commonly referred to as “straw purchasers.”

11. It was further part of the conspiracy that individuals known and unknown to the Grand Jury would take or send the straw purchasers to the defendant JUAN CARLOS HERNANDEZ so that he would prepare mortgage applications on their behalf which defendant JUAN CARLOS HERNANDEZ and others known and unknown to the Grand Jury knew contained false information.

12. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO agreed to pay the straw purchasers a fee in order to induce them to apply for the mortgages.

13. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO regularly advised the straw purchasers that they would not be responsible for the mortgages for which they were applying.

14. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO intended to take control of the properties which the straw purchasers were purportedly purchasing, as well as houses purchased by defendant MIGUEL VALERIO, collect rent on the properties and sell them within a short period of time and divide the profits among the co-conspirators.

Overt Acts

15. In furtherance of the conspiracy and to achieve the objects thereof, the defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO committed and caused to be committed the following overt acts in the District of Rhode Island and elsewhere:

A. On or about October 4, 2006, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be submitted to Lehman Brothers Bank FSB a loan application for the purchase of 51 Merrick St., Pawtucket, RI, which they knew contained false information and omitted material information, including failing to list the true liabilities of defendant MIGUEL VALERIO, who was identified as the purchaser of the property, and failing to disclose that defendant MIGUEL VALERIO was applying for mortgages on other properties at approximately the same time, and failing to disclose that the seller of the property had offered a kickback to defendant JUAN CARLOS HERNANDEZ in order to find a buyer for the property;

B. On or about October 18, 2006, defendant JUAN CARLOS HERNANDEZ caused to be submitted to National City Bank a loan application for the purchase of 344 Orms Street, Unit 1, Providence, R.I., which he knew contained false information and omitted material information, including that the property was going to be owner occupied, when it was not, by falsely reporting the income of the purported purchaser of the property, who was the former wife ("CV") of defendant MIGUEL VALERIO, by falsely stating that the purchaser would be making a down payment on the property, and by failing to disclose that CV had applied for a mortgage, on or about October 3, 2006, for another property located at 11 Bailey Court, Providence, R.I.;

C. On or about October 5, 2006, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be submitted to New Century Mortgage Corporation, a loan

application for the purchase of 344 Orms Street, Unit 2, Providence, R.I., which they knew contained false information and omitted material information, including that the property was going to be owner occupied, when it was not, falsely reporting the income of defendant MIGUEL VALERIO, who was identified as the purchaser of the property, failing to list the true liabilities of defendant MIGUEL VALERIO, and failing to disclose that defendant MIGUEL VALERIO was applying for mortgages on other properties at approximately the same time;

D. On or about October 27, 2006, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be submitted to National City Bank a loan application for the purchase of 344 Orms Street, Unit 3, Providence, R.I., which they knew contained false information and omitted material information, including that the property was going to be owner occupied, when it was not, falsely reporting the income of defendant MIGUEL VALERIO, who was identified as the purchaser of the property, failing to list the true liabilities of defendant MIGUEL VALERIO, and failing to disclose that defendant MIGUEL VALERIO was applying for mortgages on other properties at approximately the same time;

E. On or about November 8, 2006, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be resubmitted to New Century Mortgage a loan application for the purchase of 11 Bailey Court, Providence R.I., which had been originally submitted to New Century Mortgage on or about October 3, 2006, which they knew contained false information and omitted material information, by falsely stating that the purchaser CV, the former wife of defendant MIGUEL VALERIO, would be making a down payment on the property and by omitting that CV had applied for a mortgage, on or about October 18, 2006, for 344 Orms Street, Unit 1, and had closed on the property on about November 2, 2006;

F. On or about November 9, 2006, defendant, JUAN CARLOS HERNANDEZ caused to be submitted to First NLC Financial Services, a loan application for the purchase of 176 Blackrock Road, Coventry, R.I., which he knew contained false information and omitted material information, including that defendant JUAN CARLOS HERNANDEZ was the true purchaser of the property and not the borrower, who was identified on the loan application as CV, the former wife of defendant MIGUEL VALERIO, falsely reporting the income of CV, falsely stating that CV intended to use the residence as a primary residence, failing to disclose that CV has applied for a mortgage, on or about October 3, 2006, for another property located at 11 Bailey Court, Providence, R.I., and had closed on the property on about November 8, 2006, by failing to disclose that CV had applied for a for a mortgage, on or about October 18, 2006, for 344 Orms Street, Unit 1, and had closed on property on about November 2, 2006, and by failing to disclose that defendant, JUAN CARLOS HERNANDEZ, demanded that the sellers of the property pay him a kickback to find a purchaser for the property;

G. In or about July 2007, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO persuaded an acquaintance of defendant MIGUEL VALERIO's ("DR") to purchase a property at 114 Lincoln Ave, Central Falls, R.I., by promising DR that she would be paid \$5,000 to purchase the property and that DR would not be responsible for any mortgage payments on the property because a company controlled by defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO would take over the property and would be responsible for the payments;

H. On or about July 31, 2007 defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be submitted to National City Bank a loan application for the

purchase of 114 Lincoln Ave, Central Falls, R.I., which they knew contained false information and omitted material information, including that the purchaser, DR, was a straw purchaser who did not intend to live in the property, falsely representing that the borrower was providing approximately \$20,082 in the transaction, failing to disclose that the borrower was paid to apply for the loan, and failing to disclose that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO had demanded that the seller of the property pay them a kickback for find a purchaser for the property; and,

I. On or about August 7, 2007, defendants, JUAN CARLOS HERNANDEZ and MIGUEL VALERIO provided \$5,000 to DR.

All in violation of Title 18, United States Code, Section 371

COUNTS 2 - 5

A. Introduction

16. The allegations contained in paragraphs 1, 2 , 4, 5 and 7 are repeated and realleged as though fully set forth herein.

B. The Scheme

17. During the period from at least in or about October 2006 and continuing through in or about August 2007, in the District of Rhode Island and elsewhere, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and others known and unknown to the Grand Jury knowingly and intentionally devised a scheme and artifice to defraud and to obtain moneys, funds, assets, and other property owned by, and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises.

C. Manner and Means

18. The substance of the scheme and artifice, and its manner and means are described in paragraphs 10 through 15 of Count One of this Indictment, the allegations of which are incorporated by this reference as though fully set forth herein.

D. Execution of the Scheme

19. On or about the dates set forth below for each count, in the District of Rhode Island and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud, JUAN CARLOS HERNANDEZ and MIGUEL VALERIO knowingly and intentionally executed and attempted to execute a scheme and artifice to defraud National City Bank, Lehman Brothers Bank FSB, and Chase Bank USA, N.A., which were federally insured financial institutions, as described below:

<u>Count</u>	<u>Date</u>	<u>Execution</u>
2	10/31/06	Obtaining a mortgage from Lehman Brothers Bank in the name of defendant MIGUEL VALERIO and in the approximate amount of \$290,000 for the purchase of 51 Merrick Street, based on submission of materially false and fraudulent documents.
3	11/2/06	Obtaining a mortgage from National City Bank in the name CV and in the approximate amount of \$188,000 for the purchase of 344 Orms Street, Unit 1, based on submission of materially false and fraudulent documents.
4	11/2/06	Obtaining a mortgage from National City Bank in the name of defendant MIGUEL VALERIO and in the approximate amount of \$188,000 for the purchase of 344 Orms Street, Unit 3, based on submission of

materially false and fraudulent documents.

5

8/2/07

Obtaining a mortgage from National City Bank in the name of DR and in the approximate amount of \$247,000 for the purchase of 114 Lincoln Avenue, based on submission of materially false and fraudulent documents.

All in violation of 18 U.S.C. §§ 1344 and 2.

COUNTS 6 - 8

A. Introduction

20. The allegations contained in paragraphs 1, 2 , 6 and 7 are repeated and realleged as though fully set forth herein.

B. The Scheme

21. During the period from at least in or about October 2006 and continuing through in or about November 2007, in the District of Rhode Island, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and others known and unknown to the Grand Jury knowingly and intentionally devised a scheme and artifice to defraud and to obtain moneys and property from New Century Mortgage Corp., Countrywide Home Loan and First NLC Financial Services, LLC by means of false and fraudulent pretenses, representations and promises.

C. Manner and Means

22. The substance of the scheme and artifice, and its manner and means are described in paragraphs 10 through 15 of Count One of this Indictment, the allegations of which are incorporated by this reference as though fully set forth herein.

D. Execution of the Scheme

23. On or about the dates set forth below for each count, in the District of Rhode Island and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud, JUAN CARLOS HERNANDEZ and MIGUEL VALERIO knowingly transmitted and caused to be transmitted in interstate commerce signs, signals, and sounds, according to the directions thereon, that is, facsimile transmittals, as follows:

<u>Count</u>	<u>Date</u>	<u>Execution</u>
6	10/31/06	A wire transfer of funds, in the amount of \$188,005, from New Century Mortgage, to fund the purchase of 344 Orms St., Unit 2.
7	11/8/06	A wire transfer of funds, in the approximate amount of \$328,313 from New Century Mortgage, to fund the purchase of 11 Bailey Court.
8	11/20/06	A wire transfer of funds, in the approximate amount of \$262,222 from First NLC to fund the purchase of 176 Blackrock.

All in violation of 18 U.S.C. §§ 1343 and 2.

COUNT 9
(Conspiracy No. 2)

24. The allegations contained in paragraphs 1 through 7 are repeated and realleged as though fully set forth herein.

Object of the Conspiracy

25. Beginning in or about May 2007 and continuing through in or about July 2007, in the District of Rhode Island, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO, JAMES D. LEVITT and others known and unknown to the Grand Jury, knowingly, willfully, and

unlawfully combined, conspired and agreed together and with each other to commit the following offenses against the United States:

(a) to knowingly execute and attempt to execute a scheme and artifice to defraud and to obtain moneys, funds, assets, and other property owned by, and under the custody and control of, a financial institution by means of false and fraudulent pretenses, representations, and promises, in violation of 18 U.S.C. § 1344 (Bank Fraud); and,

(b) to knowingly and willfully devise and attempt to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises and to transmit and cause to be transmitted in interstate and foreign commerce, writings, signs, signals, and sounds for the purpose of executing said scheme and artifice, in violation of 18 U.S.C. § 1343 (Wire Fraud).

Manner and Means of the Conspiracy

26. It was part of the conspiracy that defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO, JAMES D. LEVITT and others known and unknown to the Grand Jury recruited individuals to purchase properties located at 14-20 Wills St., Cranston, R.I., for which those individuals would not normally qualify. Such individuals are commonly referred to as “straw purchasers.”

27. It was further part of the conspiracy that individuals known and unknown to the Grand Jury would take or send the straw purchasers to the defendant JUAN CARLOS HERNANDEZ so that he would prepare mortgage applications on their behalf which defendant JUAN CARLOS HERNANDEZ and others known and unknown to the Grand Jury knew contained false information.

28. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO agreed to pay the straw purchasers a fee in order to induce them to apply for the mortgages.

29. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO regularly advised the straw purchasers that they would not be responsible for the mortgages for which they were applying.

30. It was further part of the conspiracy that defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO intended to take control of the properties which the straw purchasers were purportedly purchasing, collect rent on the properties and sell them within a short period of time and divide the profits among the co-conspirators.

31. It was further part of the conspiracy that defendant JAMES D. LEVITT provided funds to pay the straw purchasers and to use for deposits and closing fees for the purchase of the properties, which he controlled, because he had previously obtained control of 14-18 Willis St. through a prior straw purchaser ("JB") at a foreclosure sale.

Overt Acts

32. In furtherance of the conspiracy and to achieve the objects thereof, the defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and JAMES D. LEVITT committed and caused to be committed the following overt acts in the District of Rhode Island and elsewhere:

A. In or about May 2007, defendant MIGUEL VALERIO recruited an acquaintance ("AM") to purchase a property located at 14 Wills St., Cranston, RI.

B. On or about May 31, 2007, defendants JUAN CARLOS and HERNANDEZ MIGUEL VALERIO caused to be submitted to National City Bank a loan application for the

purchase of 14 Willis Street, Cranston, R.I., which they knew contained false information and omitted material information, including that the purchaser, AM, was a straw purchaser who did not intend to live in the property, falsely stating that AM was providing approximately \$13,161 in the transaction, and misrepresenting the financial condition of the applicant;

C. In or about May of 2007, defendant MIGUEL VALERIO persuaded a relative of his ("BA") to purchase two properties, at 16 and 18 Willis St., Cranston R.I., by promising BA that he would be paid \$5,000 to purchase each property and that BA would not be responsible for any mortgage payments on the properties because defendant MIGUEL VALERIO's company would take over the properties and would be responsible for the payments.

D. On or about May 23, 2007, defendants JUAN CARLOS HERNANDEZ and MIGUEL VALERIO caused to be submitted to National City Bank, a loan application for the purchase of 16 Willis Street, Cranston, R.I., which they knew contained false information and omitted material information, including that the purchaser, BA, was a straw purchaser who did not intend to live in the property, falsely representing his income, falsely representing that the borrower was providing approximately \$14,990 in the transaction and failing to disclose that BA was paid to apply for the loan;

E. On or about June 12, 2007, the day of the closing for the property at 16 Willis Street, defendant JAMES D. LEVITT caused a check to be issued to BA, from a company controlled by defendant JAMES D. LEVITT, in the amount of \$12,000, which check was intended to pay BA a total of \$10,000 to act as straw purchaser for two properties, 16 and 18 Willis St., Cranston, RI.

F. On or about June 14, 2007, defendant MIGUEL VALERIO caused \$1,408.54

to be deposited in his relative, BA's, bank account. The \$1,408.54 represented purported "cash" provided to the borrower (BA) from the purchase of 16 Willis Street as represented in the closing settlement sheet for the property dated June 12, 2007.

G. On or about June 18, 2007, defendant MIGUEL VALERIO caused the \$12,000 provided by defendant JAMES D. LEVITT to be deposited in his relative, BA's, bank account.

H. On or about June 28, 2007, defendant MIGUEL VALERIO caused \$3,409.00 to be withdrawn from BA's bank account and deposited to a bank account in name of defendant MIGUEL VALERIO. The \$3,409 represented the approximate difference between the total deposits of \$12,000 and \$1,408.54 deposited into BA's bank account, resulting in a net payment to BA of \$10,000.

I. On or about June 25, 2007, defendant JUAN CARLOS HERNANDEZ caused to be submitted to Countrywide Home Loan, a loan application for the purchase of 18 Willis Street, Cranston, R.I., which he knew contained false information and omitted material information, including that the purchaser, BA, was a straw purchaser who did not intend to live in the property, falsely representing his income, falsely representing that the borrower was providing approximately \$14,129 in the transaction, failing to disclose that BA had applied for a mortgage on or about May 23, 2006 on property, 16 Willis Street, and had closed on the property on or about June 12, 2006, and failing to disclose that the borrower was paid to apply for the loan;

J. On or about June 13, 2007, defendant, JUAN CARLOS HERNANDEZ caused to be submitted to Chase Bank USA N.A. a loan application for the purchase of 20 Willis Street,

Cranston, R.I., which he knew contained false information and omitted material information, including misrepresenting that the borrower ("FT") would use the property as his primary residence, misrepresenting the income of the borrower and misrepresenting that the borrower had made a down payment on the property when the borrower had not made such a down payment;

K. On or about June 29, 2007, defendant JAMES D. LEVITT, caused a check to be issued to a title company, from a company controlled by defendant JAMES D. LEVITT, in the amount of \$12,392.75, which check was intended to provide the closing funds purportedly provided by FT at the closing for 20 Willis St., Cranston, RI.

All in violation of Title 18, United States Code, Section 371.

COUNTS 10 - 12

A. Introduction

33. The allegations contained in paragraphs 1 through 5 and 7 are repeated and realleged as though fully set forth herein.

B. The Scheme

34. During the period from at least in or about May 2007 and continuing through in or about June 2007, in the District of Rhode Island, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO, JAMES D. LEVITT and others known and unknown to the Grand Jury knowingly and intentionally devised a scheme and artifice to defraud and to obtain moneys, funds, assets, and other property owned by, and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises.

C. Manner and Means

35. The substance of the scheme and artifice, and its manner and means are described in paragraphs 26 through 32 of Count Nine of this Indictment, the allegations of which are incorporated by this reference as though fully set forth herein.

D. Execution of the Scheme

36. On or about the dates set forth below for each count, in the District of Rhode Island and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO and JAMES D. LEVITT knowingly and intentionally executed and attempted to execute a scheme and artifice to defraud National City Bank and Chase Bank USA, N.A., which were federally insured financial institutions, as described below:

<u>Count</u>	<u>Date</u>	<u>Execution</u>
10	6/12/06	Obtaining a mortgage from National City Bank in the name of AM and in the approximate amount of \$224,200 for the purchase of 14 Willis Street, based on submission of materially false and fraudulent documents.
11	6/12/06	Obtaining a mortgage from National City Bank in the name of BA and in the approximate amount of \$224,200 for the purchase of 16 Willis Street, based on submission of materially false and fraudulent documents.
12	6/29/06	Obtaining a mortgage from Chase in the name of FT and in the approximate amount of \$212,400 for the purchase of 20 Willis Street, based on submission of materially false and fraudulent documents.

All in violation of 18 U.S.C. §§ 1344 and 2.

COUNT 13

A. Introduction

37. The allegations contained in paragraphs 1 through 3, 6 and 7 are repeated and realleged as though fully set forth herein.

B. The Scheme

38. During the period from at least in or about May 2007 and continuing through in or about July 2007, in the District of Rhode Island, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO, JAMES D. LEVITT and others known and unknown to the Grand Jury knowingly and intentionally devised a scheme and artifice to defraud and to obtain moneys and property from Countrywide Home Loan by means of false and fraudulent pretenses, representations and promises.

C. Manner and Means

39. The substance of the scheme and artifice, and its manner and means are described in paragraphs 26 through 32 of Count Nine of this Indictment, the allegations of which are incorporated by this reference as though fully set forth herein.

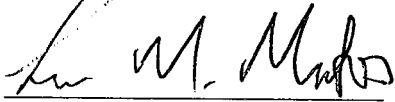
D. Execution of the Scheme

40. On or about June 25, 2007, in the District of Rhode Island and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud, defendants JUAN CARLOS HERNANDEZ, MIGUEL VALERIO, and JAMES D. LEVITT knowingly transmitted and caused to be transmitted in interstate commerce signs, signals, and sounds, according to the directions thereon, that is, a wire transfer of funds, in the approximate amount of \$227,808, from Countrywide Home Loan to Fidelity Title and Escrow, Inc, to fund the purchase of 18 Willis

Street, in violation of 18 U.S.C. §§ 1343 and 2.


A TRUE BILL:

PETER F. NERONHA
UNITED STATES ATTORNEY



LUIS M. MATOS
Assistant U.S. Attorney

REDACTED

for  *FAUSA*
STEPHEN G. DAMBRUCH
Criminal Chief
Assistant U.S. Attorney

Date: 5/24/11

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☒ INDICTMENT ☐ COMPLAINT CASE NO. _____Matter Sealed: ☐ Juvenile ☐ Other than Juvenile☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added
☐ Indictment ☐ Charges/Counts Added
☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND
DISTRICT OF Divisional OfficeName and Office of Person PETER F. NERONHA
Furnishing Information on ☐ U.S. Atty ☐ Other U.S. Agency
THIS FORM Phone No. (401) 709-5000Name of Asst. LUIS M. MATOS
U.S. Attorney
(if assigned)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigations☐ person is awaiting trial in another Federal or State Court
(give name of court)☐ this person/proceeding transferred from another district
per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:☐ U.S. Atty ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant. (Notice of Related
Case must still be filed with the
Clerk.)☐ prior proceedings or appearance(s)
before U.S. Magistrate Judge
regarding this defendant were
recorded underSHOW
DOCKET NO.MAG. JUDGE
CASE NO.Place of RHODE ISLAND
offense

County

USA vs.

Defendant: JUAN CARLOS HERNANDEZ

Ac

B
D

S

REDACTEDAlien
applicable)Issue: ☐ Warrant ☒ Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

☐ Currently in Federal Custody☐ Currently in State Custody☐ Writ Required☐ Currently on bond☐ Fugitive

Defense Counsel (if any): Kevin Fitzgerald, Esq.

☐ FPD ☐ CJA ☐ RET'D☒ Appointed on Target Letter☐ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 13

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	PLEASE SEE ATTACHED SHEET		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		ESTIMATED TRIAL DAYS= 3-5	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

U.S. V. JUAN CARLOS HERNANDEZ

COUNTS & PENALTIES

COUNT 1:

18 U.S.C. §371- Conspiracy

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNTS 2-5:

18 U.S.C. §§1344 and 2 - Bank Fraud

Max Penalties for each count: 30 years imprisonment ; \$1,000,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNTS 6-8:

18 U.S.C. §§1343 and 2 - Wire Fraud

Max Penalties for each count: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNT 9:

18 U.S.C. §371- Conspiracy

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNTS 10-12:

18 U.S.C. §§1344 and 2 - Bank Fraud

Max Penalties: for each count: 30 years imprisonment; \$1,000,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNT 13:

18 U.S.C. §§1343 and 2 - Wire Fraud

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

Estimated time for trial: 3-5 days

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☒ INDICTMENT ☐ COMPLAINT CASE NO. _____Matter Sealed: ☐ Juvenile ☐ Other than Juvenile☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added
☐ Indictment ☐ Charges/Counts Added
☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND
DISTRICT OF Divisional OfficeName and Office of Person
Furnishing Information on
THIS FORM

PETER F. NERONHA

☐ U.S. Atty ☐ Other U.S. Agency
Phone No. (401) 709-5000Name of Asst.
U.S. Attorney
(if assigned)

LUIS M. MATOS

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigations☐ person is awaiting trial in another Federal or State Court
(give name of court)☐ this person/proceeding transferred from another district
per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:☐ U.S. Atty ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant. (Notice of Related
Case must still be filed with the
Clerk.)☐ prior proceedings or appearance(s)
before U.S. Magistrate Judge
regarding this defendant were
recorded underSHOW
DOCKET NO.MAG. JUDGE
CASE NO.Place of
offense RHODE ISLAND

County

USA vs.

Defendant: MIGUEL VALERIO

[REDACTED]

] Alien
applicable)Issue: ☐ Warrant ☒ Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

☐ Currently in Federal Custody☐ Currently in State Custody☐ Writ Required☐ Currently on bond☐ Fugitive*Berriek Van Deusen*Defense Counsel (if any): ~~John Lombardi, Esquire~~☐ FPD ☐ CJA ☐ RET'D☐ Appointed on Target Letter☐ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 13

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	PLEASE SEE ATTACHED SHEET		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		ESTIMATED TRIAL DAYS= 3-5	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

U.S. V. MIGUEL VALERIO

COUNTS & PENALTIES

COUNT 1:

18 U.S.C. §371- Conspiracy

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNTS 2-5:

18 U.S.C. §§1344 and 2 - Bank Fraud

Max Penalties for each count: 30 years imprisonment ; \$1,000,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNTS 6-8:

18 U.S.C. §§1343 and 2 - Wire Fraud

Max Penalties for each count: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment.

COUNT 9:

18 U.S.C. §371- Conspiracy

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNTS 10-12:

18 U.S.C. §§1344 and 2 - Bank Fraud

Max Penalties: for each count: 30 years imprisonment; \$1,000,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNT 13:

18 U.S.C. §§1343 and 2 - Wire Fraud

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

Estimated time for trial: 3-5 days

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☒ INDICTMENT ☐ COMPLAINT

CASE NO.

CR 11 088Matter Sealed: ☐ Juvenile ☐ Other than Juvenile☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added
☐ Indictment ☐ Charges/Counts Added
☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND
DISTRICT OF Divisional OfficeName and Office of Person
Furnishing Information on
THIS FORM

PETER F. NERONHA

☐ U.S. Atty ☐ Other U.S. Agency
Phone No. (401) 709-5000Name of Asst.
U.S. Attorney
(if assigned)

LUIS M. MATOS

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigations

☐ person is awaiting trial in another Federal or State Court
(give name of court)☐ this person/proceeding transferred from another district
per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:☐ U.S. Atty ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant. (Notice of Related
Case must still be filed with the
Clerk.)☐ prior proceedings or appearance(s)
before U.S. Magistrate Judge
regarding this defendant were
recorded underSHOW
DOCKET NO.MAG. JUDGE
CASE NO.Place of
offense RHODE ISLAND

County

USA vs.

Defendant: JAMES D. LEVITT

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DiAlien
pplicable)

Si

Issue: ☐ Warrant ☒ Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

☐ Currently in Federal Custody☐ Currently in State Custody☐ Writ Required☐ Currently on bond☐ FugitiveDefense Counsel (if any): Brendon Bell, Esquire☐ FPD ☐ CJA ☐ RET'D☐ Appointed on Target Letter☐ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 5

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	PLEASE SEE ATTACHED SHEET		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		ESTIMATED TRIAL DAYS= 3-5	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

U.S. V. JAMES D. LEVITT

COUNTS & PENALTIES

COUNT 9:

18 U.S.C. §371- Conspiracy

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNTS 10-12:

18 U.S.C. §§1344 and 2 - Bank Fraud

Max Penalties: for each count: 30 years imprisonment; \$1,000,000 fine; 3 years supervised release; \$100 mandatory special assessment

COUNT 13:

18 U.S.C. §§1343 and 2 - Wire Fraud

Max Penalties: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment

Estimated time for trial: 3-5 days